

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA

VS.

JOSE VILLATORO-ESCOBAR

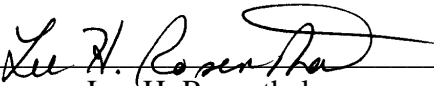
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CRIMINAL NO. H-08-060

**ORDER**

The defendant, Jose Candelaro Villatoro-Escobar, has filed a motion for retroactive application of the Sentencing Guidelines based on an argument that the sentence imposed for his criminal conviction was improperly calculated. He asserts that the presentence report assessed points for his parole violations based on his prior convictions and sentences incorrectly. A review of the presentence report reveals that the criminal history was correctly calculated using the date set out in the indictment of his encounter with ICE, not the date Villatoro-Escobar identifies. The motion for retroactive application, Docket Entry No. 68, is denied.

SIGNED on July 11, 2012, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge